

The undersigned counsel followed up with a reminder email on October 31, 2022. Counsel received no response to either communication.

On November 8, 2022, having received no response from the client, the undersigned counsel filed a Motion to Withdraw as counsel. Upon receipt of the Motion to Withdraw, Mr. Kusters contacted the undersigned counsel and reaffirmed his commitment to undertake representation of Defendant and shared actions he had taken to that end.

On November 21, 2022, the Court denied the undersigned counsel's Motion to Withdraw, citing authority requiring an LLC to be represented by counsel admitted to practice in the Northern District. Mr. Kusters was subsequently advised to take the necessary steps to be substituted as counsel, including obtaining *pro hac vice* admission to the Northern District, or engaging other counsel to represent Defendant.

On December 5, 2022, the Court entered an order (DKT 88) granting Plaintiffs' Motion to Compel and ordering compliance therewith by December 30, 2022. The undersigned counsel forwarded the same to Mr. Kusters but initially received no response.

On December 22, 2022 after the undersigned counsel had completed a draft of this response, Luke Kusters, general counsel of Defendant, contacted the undersigned counsel and stated that Defendant would comply with the Court's Order (DKT 88) by January 15, 2023. The undersigned counsel advised Mr. Kusters that the compliance date of December 30, 2022 was an order of the Court and that Defendant was required to comply with the Court's order. Since that time, the undersigned counsel has not had any response or communication from Mr. Kusters or anyone else with Defendant.

The Respondents have taken the above actions and advised Mr. Kusters and Defendant that Defendant must comply with the Court's order (DKT 88); however, Mr. Kusters and Defendant

have not followed Respondents' advice or complied with the Court's order. Accordingly, Respondents respectfully request that if any sanctions are imposed that those not be imposed against Respondents as they have implored Defendant to comply with the Court's order.

Respondents also request that they receive any and all other relief to which they are entitled.

Respectfully submitted,

BROWN FOX PLLC

/s/ John L. Freeman

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(d)(1)(B), as amended, no certificate of service is necessary, because this document is being filed with the Court's electronic-filing system.

/s/ John L. Freeman

John L. Freeman